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REMARKS

This response is intended as a full and complete response to the final Office Action mailed September 2, 2004. In that Office Action the Examiner notes that claims 1-55 are pending, of which claims 1-35, 39-48 and 50 are rejected and claims 36-38, 49 and 51-55 are withdrawn from consideration.

The Applicant wishes to correct the claim status. Claims 1-35, 39-49, and 50 are pending while claims 36-38, 49, and 51-55 are cancelled (reference the Supplemental Response submitted on 8/12/03). By this response, claims 1-35, 39-49, and 50 continue unamended.

In view the following discussion, the Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, the Applicant believes that all of these claims are now in allowable form.

It is to be understood that the Applicant, does not acquiesce to the Examiner's characterizations of either the art of record or Applicant's subject matter as recited in the pending claims.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)**Claims 1-6, 8-23, 25-34, 39-40, 42-50**

The Examiner has rejected claims 1-6, 8-23, 25-34, 39-40, and 42-50 as being unpatentable over U.S. Patent No. 6,108,703 to Leighton et al. (hereinafter "Leighton") in view of Weber (U.S. Patent No. 6,330,555) hereinafter "Weber." The Applicant respectfully traverses the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 U.S.P.Q. 1021, 1024 (Fed. Cir. 1984) (emphasis added). Thus, it is impermissible to focus either on the "gist" or "core" of the invention, Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc., 230 U.S.P.Q. 416, 420 (Fed. Cir. 1986). Moreover, the invention as a whole is not restricted to the specific subject matter

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claimed, but also embraces its properties and the problem it solves. In re Wright, 6 U.S.P.Q. 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added).

The Leighton reference is directed to a global hosting system in which a provider framework allows a content provider to replicate and serve its most popular content via multiple points distributed throughout the world. Specifically, the disclosed arrangement provides a set of servers operating in a distributed manner in which a computer network such as the Internet is used to distribute content via standard network-related protocols. It is noted that the global hosting system disclosed by Leighton is not directed to a multiple channel broadcast medium as disclosed by the Applicant. Moreover, the Leighton arrangement is directed towards different problems than those addressed by the instant application.

Weber discloses a technique for viewing data obtained from a network of distributed databases. Weber addresses a problem with computer networking: it is difficult to maintain multiple, independent databases as a discrete entity when individual databases are located on physically distinct machines. Weber teaches that when data in the databases is viewed the result should have the appearance of a single database (datascape). To do so, Weber discloses a technique in which multiple computer databases (or databases with multiple partitions) are displayed in a single, unique view to each user. According to that technique, a database that contains the data that is to be viewed is received. The database is logically partitioned based upon a characteristic of the data that is to be viewed. The partition includes a partition viewage table and a set of objects. An entry point is defined in the database for viewing data. The entry point has an entry point viewage table. The view of data is enabled by generating a set of partitions by recursively following the entry point viewage table and the partition viewage table to referenced partitions. See, Weber, Background, Summary, and Abstract. As such, Weber is directed towards different problems than those addressed by the instant application.

In a previous response (mailed 7/21/03) the Applicant asserted that Leighton is not directed to a multiple channel broadcast media. Specifically, that Leighton does not disclose or suggest the unlined elements of claim 1 as provided below:

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"A method for receiving data via multiple channel broadcast media, comprising:
receiving a request for a desired data object, said desired data object being associated with a first-level name;
obtaining any second-level names associated with said first-level name, said second-level names being associated with respective low-level data objects constituting at least a portion of said desired data object; and
obtaining location information associated with said second-level names via a first channel, said location information identifying at least two of said multiple channels as propagating data associated with low-level data objects."

Since the Leighton arrangement failed to disclose or suggest "obtaining location information associated with said second-level names via a first channel, said location information identifying at least two of said multiple channels as propagating data associated with low-level data objects," the Examiner removed the previous 35 U.S.C. 102 rejection.

However, in the September 2, 2004 Office action the Examiner asserts that the newly cited Weber reference teaches receiving data over a multiple channel broadcast media and obtaining location information associated with the second-level names via a first channel, where the location information identifies at least two of the multiple channels as propagating data associated with low-level data objects. To support that position the Examiner references column 1, lines 55-63; column 10, lines 6-8, column 11, lines 31-32, and column 14, lines 39-47. The Examiner then asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the broadcast distribution system of Leighton et al. by broadcasting on multiple channels because with multiple channels data is accessed more efficiently. To support the proposition that Leighton et al. actually discloses a broadcast distribution system, the Examiner relies on Leighton et al. at column 1, lines 9-10.

However, Leighton does not disclose using a broadcast distribution system to propagate data associated with low-level data objects; much less a multiple channel broadcast media to propagate such low-level data objects. The portion of Leighton that is relied on as disclosing a broadcast distribution system, column 1, lines 9-10,

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actually refers to computer networks, not broadcast distribution systems ("This invention relates generally to Information retrieval in a computer network."). Furthermore, the support for the proposition that Weber teaches receiving data via multiple channel broadcast media is misplaced. Weber, column 1, lines 55-63 relates to database partitioning, not to a multiple channel broadcast media. Weber, column 10, lines 6-8 relates to a source/viewage table and its use in providing a view, not to a multiple channel broadcast media. Weber, column 11, lines 31-32 describes finding something referred to as "a target object instance."

However, Weber, at column 14, lines 39-47 describes the use of message channels and does describe Figure 15 as showing a "set of four communications channels." However, the channels recited in the subject invention and the channels recited in Weber are completely different. In Weber, channels are "defined as addresses within a data base," see Weber, column 14, lines 63-65. In contrast, the subject invention describes that the bandwidth on a communication medium can be divided into frequency ranges, and that "a channel is defined by its center frequency and width, with the width and modulation type determining the total number of bits per second that the channel can carry," see the subject application beginning on line 19 of page 2. Thus the subject invention describes a channel in its normal context, see Webster's II, *New Riverside University Dictionary*, copyright 1984, 1988, 1994: "7. *Electron*. A specified frequency band for transmitting and receiving electromagnetic signals, as for television." However, Weber uses the word "channel" based on his own lexicon definition. While Weber is entitled to be his own lexicographer, his doing so does nothing to render the subject invention obvious.

Since the Leighton arrangement fails to disclose or suggest the invention of claim 1, and since Weber does nothing to close the substantial gap between Leighton and the subject invention, independent claim 1 is allowable. Moreover, since independent claims 22, 31, 39, 48 and 50 include limitations similar to limitations discussed above with respect to claim 1, it is respectfully submitted that independent claims 22, 31, 39, 48 and 50 are also patentable. Finally, since dependent claims 2-6, 8-21, 23, 25-31, 32-34, 40 and 42-48 (claim 49 having been

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previously cancelled) depend from claim 1, 22, 31, 39, 48 or 50 and recite additional limitations, it is respectfully submitted that these claims are also patentable.

As such, the Applicant submits that claims 1-6, 8-23, 25-34, 39-40 and 42-50 are not obvious over Leighton in view of Weber and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicant respectfully requests that the rejection be withdrawn.

Claims 7, 24 and 41

The Examiner has rejected claims 7, 24 and 41 under 35 U.S.C. §103(a) as being unpatentable over Leighton in view of Weber and further in view of Moura et al. (U.S. Patent 6,104,727, hereinafter "Moura"). Applicant respectfully traverses the rejection.

For at least the reasons discussed above with respect to independent claims 1, 22, 31, 39, 48 and 50, Applicant submits that the Leighton and Weber references alone or in combination fail to teach Applicant's invention claimed in dependent claims 7, 24 and 41 which depend directly from independent claims 1, 22 and 39.

Furthermore, Moura fails to bridge the substantial gap between the Leighton and Weber references and Applicant's invention.

The Moura reference is directed to an asymmetric communications system having a regulated upstream channel in which forward and return channels may be operated at different speeds or under different protocols on the same or different communications media in a manner tending to utilize shared resources more efficiently.

Specifically, as with the Leighton and Weber references, the Moura reference fails to disclose or suggest "obtaining [or "obtain" in claim 39) location information associated with said second-level names via a first channel, said location information identifying at least one ["two" in claim 39] of said multiple channels as propagating data associated with low-level data objects" as recited in claims 1 and 39. As with the Leighton and Weber references discussed above with respect to claims 1 and 39, the Moura reference also fails to disclose or suggest the claimed

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structure. Thus, since the cited references, either singly or in any permissible combination, fail to disclose or suggest the invention of claims 1 and 39, it is respectfully submitted that the invention of claims 7 and 41 are also patentable since claim 7 depends from claim 1 and claim 41 depends from claim 39.

Further, the Moura reference fails to disclose or suggest at least the step of "obtaining location information associated with said second-level names via a first channel, said location information identifying at least an order of presentation of said low-level data objects during a presentation of said desired data object" as recited in claim 22. Thus, since the cited references, either singly or in any permissible combination, fail to disclose or suggest the invention of claim 22. It is respectfully submitted that the invention of claim 24 is also patentable since claim 24 depends from claim 22.

As such, the Applicant submits that claims 7, 24 and 41 are not obvious over Leighton in view of Weber and further in view of Moura and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicant respectfully requests that the rejection be withdrawn.

Claim 35

The Examiner has rejected claim 35 under 35 U.S.C. 103(a) as being unpatentable over Leighton in view of Weber and further in view of Boon (U.S. Patent No. 6,351,565, hereinafter "Boon"). Applicant respectfully traverses the rejection.

For at least the reasons discussed above, the Leighton and Weber references, alone or in combination, fail to teach or suggest the invention of independent claim 31, and therefore the invention of claim 35 which depends from claim 31 is allowable over Leighton and Weber.

Furthermore, Boon fails to bridge the substantial gap as between Leighton and Weber and Applicant's invention.

Boon discloses data structures for coding and transmitting digital image signals corresponding to plural objects that constitute a moving picture. A coded

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image signal is obtained by coding digital image signals that correspond to each object. An image signal includes display information for the corresponding object, and locational information that provides the location of relevant data for the corresponding object. A user can access relevant data by specifying the object on the display screen. This improves the ability to access relevant data while enabling efficient management of locational information. Additionally, since locational information is transmitted along with display signals the loss of relevant data due to transmission error is reduced.

Specifically, as with the Leighton and Weber references, the Boon reference fails to disclose or suggest "a broadcast channel assignment, wherein at least two channels of said multiple channel broadcast media are assigned for use in broadcasting said data objects " as recited in claim 31. Moreover, since claim 35 depends from claim 31 and recites additional limitations therefrom, it is respectfully submitted that claim 35 is also patentable for the reasons discussed above with respect to claim 31.

As such, the Applicant submits that claim 35 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, the Applicant respectfully requests that the rejection be withdrawn.

CONCLUSION

Thus, the Applicant submits that claims 1-35, 39-48 and 50 are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

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If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone John M. Kelly or Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Nov. 2, 2004


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